IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16448 of 2004

Between:

1.G. Ramachander, S/o.G. Balaram,
working as T.T.A.Employee No.13471,

2.Y. Rajalingam S/o. Y. Rajeshwar, T.T.A.Empl.No.13476,

3.G. Mohan Rao, S/o. G. Narayana Rao, T.T.A.Empl.No.13479. 4.V. Balakistaiah, S/o. V. Keshav Rao, T.T.A.Empl.No.13503.

5.M. Anantha Rao, S/o. Sayanna, T.T.A.Empl.No.13472.

6.M.A. Samad, S/o. M.A. Salam,T.T.A.Empl.No.13489.

7.J. Aruna, S/o. J Radha Krishtaiah, T.T.A.Empl.No.13481.
8.M. Sailu, S/o. M. Guruvaiah, T.T.A.Empl.No.13500.

9.C. Vishnu Vardhan, S/o. Raghavulu, T.T.A.Empl.No.13510. 10.Y. Prakash, S/o. Y. John, T.T.A.Empl.No.13482.

11.K. Bhoomaiah, S/o. K. Malkaiah, T.T.A.Empl.No.13499.
12.Shaik Ali, S/o. Sk. Ahmed Ali, T.T.A.Empl.No.13494.

(All are working as Telecom. Technical Assistants under the

control of the General manager, Telecom District, Nizamabad)

..... PETITIONERS

AND

1.Union of India, rep.by its Secretary to Department of

Telecommunication, Doorsanchar Bhavan, New Delhi-110 001.
2.The Director General, Bharat Sanchar Nigam Ltd., Sanchar

Bhavan, New Delhi.
3.The Chief General Manager, BSNL, Andhra Pradesh Circle,

Abids, Hyderabad.
4.The General Manager, Telecom District, BSNL, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled for grant of relaxed standard in qualifying marks for the examination of Junior Telecom Officers held on 6.5.2000 against 35 % quota on the same lines as was granted vide Lr. No. 12-15/2002-DE, dt.10-3-2003 by Bharat Sanchar Nigam Ltd., Head Quarters, New Delhi in respect of Junior Telecom Officers against 15% quota vacancies in the examination held for promotion to JTOs. in the years 1999 and 2000 with all consequential benefits such as promotion, seniority, arrears of pay and allowances etc., and other attendant benefits to the posts of Junior Telecom Officers lying vacant by holding the action of the respondents in not extending the benefit of relaxed standards in the qualifying marks to the petitioners in the 35% quota examination held on 6-5-2000 while extending the said benefit of letter dated 10-3-2000 to those who appeared against 15% quota examination held in 1999 and 2000 is illegal, arbitrary, discriminatory, violative of Arts.14 and 16 of the Constitution of India.

Counsel for the Petitioners: MR.K.VENKATESWARA RAO

Counsel for the Respondent Nos.1 to 4: MR.B.NARASIMHA SARMA, Standing Counsel for B.S.N.L.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.16448 OF 2004

ORDER:

The petitioners are claiming that they are working as Telecom Technical Assistants in the respondent-Organization. They appeared for a screening test held on 06.05.2000 to get eligibility for promotion as Junior Telecom Officers against 35% quota through departmental screening test. The results of the said test were declared on 07.09.2000. The petitioners could not secure the qualifying marks. The grievance of the petitioners is that though they did not secure 40% of the qualifying marks, they are entitled to be considered for promotion as per the letter of the Telecom Department, dated 10.03.2003. As the respondents did not consider their cases for promotion despite a representation made by the representatives of their Association, the petitioners approached this Court seeking a direction to the respondents 1 and 2 to consider their cases for promotion as Junior Telecom Officers against 35% quota through departmental screening test by applying the relaxed qualifying standards prescribed through the letter dated 10.03.2003.

2. The learned counsel for the petitioners represented that no written application has been made by the petitioners to the respondents to consider their cases for promotion and requested to treat the writ petition itself as their representation.

3. The petitioners directly approaching this Court without making any representation to the respondents to pass appropriate orders is not appreciable. The petitioners are, therefore, directed to make a representation to the respondents 1 and 2 regarding

their promotion as Junior Telecom Officers and on receipt of such representation, the respondents 1 and 2 shall pass appropriate orders as per the rules and the letter dated 10.03.2003 regarding relaxation of qualifying standards, within three months from the date of receipt of representation of the petitioners.

4. Accordingly, the writ petition is disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date:16th September, 2004.

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NOTE:

Issue C.C. in one week.

B/O

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Secretary to Department of Telecommunication,

Union of India, Doorsanchar Bhavan, New Delhi-110 001.

2.The Director General, Bharat Sanchar Nigam Ltd., Sanchar

Bhavan, New Delhi.

3.The Chief General Manager, BSNL, Andhra Pradesh Circle,

Abids, Hyderabad.

4.The General Manager, Telecom. District, BSNL, Nizamabad.

5.Two C.D. copies.